

USDA-ARS-OTT
5601 Sunnyside Avenue, Rm. 4-1184
Beltsville, Maryland 20705-5131

OFFICIAL

FEB 17 2004

To: Gerald G. Leffers, Jr., Art Unit 1636 Fax: 9,703-872-9306

From: Gail E. Poulos Date: 2/17/2004


Re: 09/915,840 Pages: 4

The following is being resubmitted to the United States Patent and Trademark Office by Facsimile. This is respectfully requested.

with Traverse
of Facsimile

CERTIFICATE OF FILING VIA FACSIMILE

The undersigned hereby certifies that the attached Election with Traverse was this day, February 17, 2004 filed in the United States Patent and Trademark Office via facsimile to facsimile number 703-872-9306. Total pages: 4


Gail E. Poulos

FEB 17 2004

OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of Alfred M. Handler

Docket No. 0203.00

Art Unit: 1636

Serial No. 10/915,840

Examiner: G. Leffers, Jr.

Filed: 07/27/2001

For: PiggyBac Transformation System

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

ELECTION WITH TRAVERSE

Dear Sir:

In response to the requirement for restriction under 35 USC 121, with a mail date of January 27, 2004, Applicants hereby elect with traverse Group I, claims 1-5, and 9-19, drawn to vectors and transformation "system" comprising a piggyback transposon, classified in class 536, subclass 23.1.

TRAVERSE

It is respectfully pointed out that, according to MPEP 803, in order for a restriction requirement to be proper, two criteria must be met:

- (1) the inventions must be independent or distinct as claimed, and
- (2) there must be a serious burden on the Examiner if restriction is not required.

In the instant application, it is believed that a search for vectors and transformation system comprising a piggyBac transposon would simultaneously encompass a search for a transgenic organism comprising a piggyBac transformation system.

One of ordinary skill in the art would use the transformation system to produce a transgenic organism. Therefore, there would be no serious burden on the Examiner to search for vectors and transformation system using the vectors and the transgenic organism produced by using the system since a search for one would be expected to be found in the same reference as that disclosing a transgenic organism transformed using a piggyBac transformation system.

For this reason, it is respectfully requested that the Examiner reconsider the restriction requirement and examine the invention comprising groups I and II.

In the event this paper is deemed not timely filed, the undersigned hereby petitions for an appropriate extension of time. Please charge any fees, which may be required by this paper or at any time during prosecution of the instant application, or credit any overpayment, to deposit account 50-2134.

Respectfully submitted,

February 17, 2004
DATE

Gail E. Poulos
Gail E. Poulos
Registration No. 36,327
USDA-ARS-OTT
5601 Sunnyside Avenue, Rm.4-1184
Beltsville, Maryland 20705-5131
Telephone (301)504-5302

CC:
R. Brenner
A. Handler
S. Pendorf

CERTIFICATE OF FILING VIA FACSIMILE

The undersigned hereby certifies that the attached **Election with Traverse** was this day, February 17, 2004, filed in the United States Patent and Trademark Office via facsimile to facsimile number 703-872-9306. Total pages:4

Gail E. Poulos
Gail E. Poulos